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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Tahoe Regional Planning Agency,
12 Plaintiff,
13 v.
14 Danil Reziapkine,
15 Defendant.
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No. 2:21-cv-02235-KJM-JDP
ORDER

17 Plaintiff Tahoe Regional Planning Agency (TRPA) has attempted to serve its
18 complaint and summons on defendant Danil Reziapkine in a variety of ways. *See* Marshall
19 Decl. ¶¶ 6–8, ECF No. 12-2. After seven failed attempts, it now requests an order permitting
20 service by publication. *See generally* Mem., ECF No. 12-1.

21 Under Federal Rule of Civil Procedure 4(e)(1), the court looks to California law to
22 determine the permissibility of service by publication. Under California law, “[a] summons may
23 be served by publication if upon affidavit it appears to the satisfaction of the court in which the
24 action is pending that the party to be served cannot with reasonable diligence be served in another
25 manner specified” in Article 3 of the California Code of Civil Procedure. Cal. Civ. Proc. Code
26 § 415.50(a). Other relevant methods specified in Article 3 include personal delivery, *see id.*
27 § 415.10; delivery to someone else at the party’s usual residence or place of business with a

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1 subsequent mailing, *see id.* § 415.20; and service by mail with confirmation of receipt, *see id.*
2 § 415.30.

3 TRPA has acted with reasonable diligence in attempting to locate and effect service on
4 defendant using the methods prescribed by California law, and it has exhausted its efforts to do
5 so. *See* Marshall Decl. ¶¶ 6–8 (describing repeated attempts to effect personal service, substitute
6 service, and service by mail, along with other methods, at defendant’s registered address). The
7 court is also satisfied that a cause of action exists against Mr. Reziapkine. *See* Cal. Civ. Proc.
8 Code § 415.50(a)(1) (noting, as relevant here, that court must be satisfied that “a cause of action
9 exists against the party upon whom service is to be made”); Marshall Decl. ¶ 4 (describing
10 lawsuit against Reziapkine). Accordingly, the court **grants** TRPA’s application for an order
11 permitting service of the complaint and summons by publication.

12 TRPA is directed to serve defendant by publication in a newspaper of general circulation
13 in Gold River, California. *See* Cal. Code Civ. Proc. § 415.50(b). TRPA is further directed to
14 mail a copy of the complaint, the summons, and the order for publication to defendant if his
15 address is ascertained within the next sixty days. *Id.* Moreover, TRPA shall comply with
16 California Government Code section 6064, which provides that the publication must occur once a
17 week for four successive weeks. TRPA shall have sixty days from the date of this order in which
18 to effect service by publication, and it shall file proof of its doing so within seventy-five days of
19 this order.

20 This order resolves ECF No. 12.

21 IT IS SO ORDERED.

22 DATED: August 26, 2022.


CHIEF UNITED STATES DISTRICT JUDGE